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Tenant Inquilino

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PERIODICAL

PATAKI'S POISON PILL

Rent-Law Renewal Retains Decontrol, Toughens Urstadt

By Jenny Laurie

The state's rent laws have been renewed in a poison-pill legislative move that promises landlords greater profits and tenants higher rents. In a secretive, back-room ploy, Governor Pataki and State Senate Majority Leader Joseph Bruno engineered the renewal of the laws in a way that guarantees the loss of hundreds of thousands of units of affordable housing in the next eight years.

What does the new law do?

The rent laws were renewed for eight years, until June 15, 2011, and three seemingly innocuous changes were inserted. One change allows landlords to renege on "preferential rents" negotiated with tenants. The second strengthens the Urstadt Law, further restricting the City of New York from making any changes to the way the rent laws are administered. The third tightens up the $2,000 vacancy-decontrol provision, so landlords can rent apartments to tenants for less than $2,000 after registering the rent at $2,000 or more.

STEVEN WISHNIA

Tenants march down Broadway June 1, after a rally at Union Square.

Rent Wars 2003

The fight over the renewal of the rent laws this year was much, much milder than the fight in 1997. Fewer tenants went to Albany to lobby, and the focus on the issue by the media was nonexistent compared to '97. While the issue was in discussion in Albany for the entire 2003 session, it wasn't until close to June 15, the date the laws were to expire, that media outlets started paying close attention to the messages from Pataki, Bruno, and Assembly Speaker Sheldon Silver on the form that the renewal might take. The three leaders sent out a variety of messages.

As all Albany observers will report, legislation is done only when Pataki, Bruno, and Silver agree on the issue and the same language. Generally, the three decide all budget and legislative issues in closed-door sessions; very rarely do any issues come out for open or honest debate. Close to the sunset date of June 15, Pataki was quoted as saying that he wanted to "tinker" with the rent laws. Some of the Republican Senators from New York City announced that they supported raising the vacancy-decontrol threshold from $2,000 to $2,500.

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RGB VOTES 7.5 PERCENT INCREASE

Largest Rent Hike Since 1989

By Steven Wishnia

Mayor Bloomberg's 18.5 percent property-tax increase is getting dumped directly on the heads of tenants.

The city Rent Guidelines Board voted June 19 to allow increases of 4.5 percent for a one-year lease renewal and 7.5 percent for two years. While these guidelines are a percentage point lower than the preliminary ones the board approved in May, the total increase is the highest tenants have been hit with since 1989.

Both the landlords and public members cited the property-tax increase as justification for higher rents. Angry tenants—about 150 in the auditorium in the basement of the US Customs House on Bowling Green, after going through tight metal-detector security — chanted "SHAME."

"It's so ridiculous," said Maxine Zeifman, an Upper East Side woman whose $1,800 a month rent is more than half her retirement income. "I make $33,000 a year and pay $22,000 in rent."

Another woman cursed at RGB public member Martin Zelnik, who endorsed the increases as "fair and reasonable." "Seven and a half percent," she spat. "I want to thank you for making me leave the city." Zelnik, who some tenants had hoped might be more sympathetic, smiled uncomfortably.

The vote was 5-4, with the board's five public members in favor and both the tenant and landlord representatives opposed. Tenant representative Adriene Holder objected that it was unfair for landlords to pass all their cost increases directly to tenants, while landlord rep Harold Lubell voted "not enough." The about 20 landlords in the crowd didn't seem too displeased with the result, though, smiling and joking as they left the room.

Tenant representative David Pagan found slight solace in the fact that the increases were lower than the preliminary guidelines. "It was hard work to get them to come down," he said. And unlike last year, there was no "longevity increase," the surcharge on long-term tenants known as the "senior-citizen tax."

The RGB also voted increases of 3.5 percent for SRO hotel tenants, provided that 75 percent of the rooms in the hotel are occupied by permanent tenants. Loft rents will go up by 4 and 7 percent. The "special guideline" for vacated rent-controlled apartments will continue to be either or the federal "fair market rent" or 50 percent over the Maximum Base Rent, whichever is more. People subletting apartments will have to pay a 10 percent surcharge.

The Bloomberg RGB is starting to look a lot like Rudy Giuliani's. The five public members vote in lockstep with minimal discussion, granting rent increases that fall short of the landlords' wish list, but are more than enough to keep large real-estate operators well fed.

"It's sickening," said Dawn Sullivan of the East Side Tenants Coalition. "We've got people like Bloomberg appointing public members who

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EDITORIAL

Assault on Tenants

The rent-laws bill enacted by the state government this month is a disaster for tenants. The sneaky eleventh-hour maneuvering by Governor Pataki and Senate Majority Leader Joseph Bruno sets a new low for politics in New York—if that's possible. Governor Pataki and the state Republican party have declared war on the tenants of New York City.

Equally devastating for tenants was the behavior of Assembly Speaker Sheldon Silver. The Republican leadership engaged the legislature in an upstate vs. downstate game of chicken, toying with the imminent expiration of the rent laws and the future of millions of tenants. Sheldon Silver caved in, and he did so against the advice of tenant advocates. His refusal to spend the necessary political capital to deliver protections for New York City is a double cross, and we will not forget it.

The legislature's failure to repeal the deregulation of vacant apartments renting for $2,000 a month or more means a slow death for tenants' rights in New York City. When this form of vacancy decontrol was enacted in the early 1990s, it was presented as irrelevant to the vast majority of tenants. If the only apartments renting for over $2,000 were Upper East Side penthouses, its supporters argued, why should the law protect a handful of the richest tenants from paying a little extra?

It hasn't worked that way. It has functioned more like a hole drilled in the base of a Dutch dike. And now the waters of the Landlord Zee are flooding New Amsterdam.

Couple a decade of inflation with the Wall Street/dot-com boom of the late '90s; couple the 20 percent vacancy increases of the 1997 rent laws with Pataki's gutting of already weak enforcement against illegal overcharges, and $2,000 apartments have become the norm on the market in "core Manhattan," especially among apartments bigger than one bedroom. The resulting displacement has driven up rents throughout the city. Today, rents at or near $2,000 are common in Harlem and Washington Heights, Park Slope and Fort Greene, Astoria and Forest Hills.

The fear is that, given another 10 years or so, $2,000 apartments will be the norm throughout the city, except for a few elderly holdouts and the poorest neighborhoods. That would mean rent regulations would be irrelevant anywhere tenants have any money, and could then be knocked off as a welfare-era relic in low-income areas. Equally important, tenants in decontrolled apartments have neither security nor rights. You might be reluctant to buy furniture or subscribe to magazines when you know your landlord could arbitrarily refuse to renew your lease after two years. You'd definitely be reluctant to complain about lack of heat.

Pataki calls this "an orderly transition to the free market." The Rent Stabilization Association, the big landlords' lobbying group, has pronounced itself pleased. That means that they are patient enough to wait for rent regulations to atrophy and die, rather than sustain the political damage from killing them immediately. It's a long-term investment.

What is infuriating is that city residents have no voice in the process that produced this. The 1971 Urstadt Law denies the city home rule on rent regulations, and the new law actually *expands* Urstadt, which will kill pending City Council measures to reform the Rent Guidelines Board and reduce rent increases for rent-controlled tenants. Instead, control of prices and protections for our homes is in the hands of politicians who only come to the city to take money from landlords. We can't vote against them. It's hard to imagine a system more corrupt or undemocratic.

The outrageous inflation of housing costs is perhaps the most important issue facing the city. Housing costs determine whether we can afford even small luxuries, whether we live in community or isolation, privacy or overcrowding. Astronomical rents mean that couples who break up have to live together because they can't afford to move out. Couples that get together have to choose between living overcrowded or paying double their previous rent. Having children can mean being forced to leave a neighborhood you have deep roots in. Young people reaching adulthood are forced to live with their parents indefinitely. Immigrants and the working poor have to live four and five to a room.

This is a struggle about whether city residents will be able to have decent homes without having every extra penny they earn sucked out of their pockets by their landlords. The devoutly worshipped "free market" in housing might be liberty for a few thousand politically connected multimillionaires, but it's tyranny for the rest of us.

Tenants must achieve the following goals if rent regulation is to survive:

1) Tenants must have home rule on the rent laws. If there is one thing we have learned in the last 10 years, it is that neither house of the legislature can be trusted to defend the rights of tenants. A recent report by Common Cause

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Scott Sommer hosts Met Council's

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EL INQUILINO HISPANO

RGB vota por un incremento del 7.5% en contratos de 2 años

El aumento más alto de renta desde 1989

Por Steven Wishnia
Traducido por Lightning Translations

El incremento del impuesto sobre la propiedad del 18.5% establecido por el alcalde Bloomberg se verterá encima de los inquilinos.

La Junta de Regulación de Rentas (RGB) votó el 19 de junio para permitir incrementos del 4.5% para la renovación del contrato por un año y 7.5% para dos años. Aunque estas pautas son un punto porcentual menor que las pautas preliminares que la junta había aprobado en mayo, el incremento total es el más alto que se ha asestado a los inquilinos desde 1989.

Tanto los caseros como los miembros públicos citaron el incremento del impuesto sobre la propiedad como una justificación para un mayor aumento a las rentas. Los enojados inquilinos, unos 150 en el auditorio del sótano de la Casa de la Aduana en Bowling Green después de pasar por una estricta seguridad para detectar metales, corearon "¡VERGÜENZA!

"Es muy ridículo," comentó Maxine Zeifman, una mujer del Lado Este, cuya renta mensual es de $1,800, más de la mitad de su ingreso de pensión. "Gano $33,000 al año y pago $22,000 de renta."

Otra mujer maldijo al miembro público de la junta Martin Zelnik, quien apoyó los incrementos como "justos y razonables." "Siete y medio maldito por ciento," escupió. "Quiero agradecerle por hacerme abandonar la ciudad." Zelnik, de quien algunos inquilinos habían tenido la esperanza de que él pudiera comprenderlos, sonrió incómodamente.

El voto fue de 5 a 4 con los 5 miembros públicos de la junta a favor y la oposición tanto de los representantes de los inquilinos como de los caseros. La

pasa a la página 4

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 34)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2002 hasta el 30 de septiembre de 2003, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2002. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2002. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

Los Contratos para Apartamentos Vacíos o Nuevos En junio de 1997, el gobernador George Pataki, al intentar destruir la regulación de rentas, forzó cambios que les dieron a los caseros un recargo muy grande por los apartamentos vacíos. Una cláusula de la "Reforma al Acta de Regulación de Renta" de 1997 permite que los nuevos alquileres sean incrementados en un porcentaje obligatorio: 20% para un contrato de dos años, y por un contrato de 1 año, 20% de incremento menos la diferencia en el tope de renovación para los contratos de 1 y 2 años. La nueva ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

Exceso de Cobro Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión del apartamento, puede escoger entre llenar un formulario de queja de exceso de cobro de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario, o búsquelo en el sitio www.dhcr.state.ny.us.

La Apelación de la Renta de Mercado Justa Otro tipo de exceso de cobro sucede frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el "Tope Especial de la Renta de Mercado Justa," el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado "Apelación a la Renta Justa de Mercado" (FMRA). Según la Orden 34, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada "Renta Legal Inicial Regulada" (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de "Apelación a la Renta Justa de Mercado" como de "exceso de cobro." La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

Exención de Incrementos para las Personas de Mayor Edad: Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de $20,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 1 por ciento por un contrato de un año y un 2 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación No habrá ningún aumento de la renta este año para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos). No se permiten incrementos para apartamentos vacíos.

La Desregulación de Rentas Altas y Altos Ingresos (1) Los apartamentos que legalmente se alquilan por $2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde del 1ro de abril de 1994 son sujetos a la desregulación. (2) La misma desregulación se les aplica, para el mismo período establecido en (1), a los apartamentos que legalmente pagan $2,000 o más mensualmente aunque no se desocupen, si el ingreso total de la familia es más de $175,000 en los dos años consecutivos previos. Para cumplir los requisitos de esta segunda forma de desregulación, el casero tiene que enviarle un formulario de certificación de ingreso al inquilino entre el 1ro de enero y el 1ro de mayo, así como someter dicho formulario al DHCR y conseguir su aprobación.

Para pautas previas, llame a la RGB al 212-385-2934 o busque el sitio www.housingnyc.com.

Tipo de Contrato	*Renta Legal Actual*		*Contrato de 1 Año*	*Contrato de 2 Años*
Renovación del Contrato	Todas		2%	4%
Contratos para Apartamentos Vacíos	Más de $500	Incrementos por desocupacíon cobrados en los últimos 8 años	18%	20%
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 18%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Menos de $300	Incrementos por desocupacíon cobrados en los últimos 8 años	18% + $100	20% + $100
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 18% + $100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + $100
	Renta de $300 a $500	Incrementos por desocupacíon cobrados en los últimos 8 años	18% o $100, lo que sea mayor	20% o $100, lo que sea mayor
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 18%, o $100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o $100, lo que sea mayor

Incrementos

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representante de los inquilinos Adriene Holder objetó que no era justo que los caseros pasaran todos los incrementos en sus costos a los inquilinos, mientras el representante de los caseros Harold Lubell votó que "no es suficiente." Sin embargo, unos 20 caseros que se encontraban en la multitud no parecían muy descontentos con el resultado, ya que sonreían y bromeaban al salir de la sala.

El representante de los inquilinos David Pagan encontró un poco de consuelo en el hecho que los incrementos fueron menores que las pautas preliminares. "Fue difícil convencerlos de disminuir esa tasa," anotó. A diferencia del año pasado, no se propuso un "incremento por antigüedad," el recargo para los inquilinos que han vivido en sus apartamentos durante largo tiempo, conocido como el "senior citizen tax."

La RGB también votó por incrementos del 3.5% para los inquilinos de hoteles con unidades de una sola habitación (SROs), siempre que el 75% de las habitaciones en los hoteles sean ocupadas por inquilinos permanentes. Las rentas de desvanes aumentarán en 4% y 7%. La "pauta especial" para apartamentos vacíos de renta controlada continuarán estando el "renta del mercado justa" o 50% sobre la renta base máxima, lo que sea mayor. Las personas que subarriendan apartamentos tendrán que pagar un 10% de recargo.

La RGB de Bloomberg comienza a parecerse bastante a la de Rudy Giuliani. Los cinco miembros públicos votan en bloque sin mucha discusión, otorgando incrementos de renta que no satisfacen completamente los deseos de los caseros pero son más que suficiente para mantener a los grandes operadores de bienes raíces bien alimentados.

"Me enferma," comentó Dawn Sullivan, de la Coalición de Inquilinos del Lado Este. "Tenemos a gente como Bloomberg nombrando a miembros públicos que no representan a la ciudad. ¿Cuándo fue la última vez que tuvimos un verdadero miembro público?"

Los representantes de los inquilinos propusieron inicialmente limitar los incrementos al 1% y 2%, mientras Pagan llamaba a las rentas altas "terrorismo" que obliga a la gente a abandonar sus hogares (al oír esto, los caseros en el público refunfuñaron) y "una forma de gravamen regresiva." Dicha propuesta fue rechazada 7 a 2 sin mayor debate.

El argumento de Harold Lubell para obtener rentas más altas fue simple y rudo: ser propietario de vivienda no es "un evento de caridad." Si el inquilino es pobre o desempleado, es "triste," pero ¿se supone que el casero tiene que ser el "hada madrina" y subsidiarlos? Si los propietarios no reciben más dinero, argumentó, los edificios serán abandonados y todo el sector "se irá a pique."

Los inquilinos pueden pagar los incrementos de renta, continuó. Ellos sólo pagan de renta un promedio de 28% de sus ingresos; si 9% de ellos son desempleados, esto significa que más del 90% sí tienen empleo. Recibió la respuesta más encolerizado cuando declaró que "muchos inquilinos son más ricos que los caseros que se encuentran aquí." También fue abucheado cuando dijo que ninguna otra industria está forzada a reducir precios porque algunas personas no pueden pagar, y citó como ejemplo las medicinas que necesitan receta médica.

Steven Schleider, el representante de los propietarios de la junta nombrado por Bloomberg, anunció entonces que "los altos incrementos de dos cifras son necesarios" pero él estaba dispuesto de conformarse con obtener el 9% y 12%. Esa propuesta también fue derrotada 7 a 2.

Adriene Holder sugirió entonces los incrementos de 2% y 3%, diciendo que los caseros siguen teniendo ganancias a pesar del incremento en los impuestos y los costos de combustible. Lo que ellos realmente desean, afirmó, es llevar a los apartamentos más cerca al umbral del descontrol de vacancia de $2,000. El descontrol en Boston (donde las protecciones a las rentas fueron eliminadas en 1998) ha sido un fracaso para todos excepto los caseros, agregó, desalojando a las personas de clase media y a los obreros, causando una cifra récord de personas desamparadas y derivando en la construcción sólo de vivienda de lujo.

"No es pecado tener ganancias," respondió Lubell. Schleider agregó que si los constructores crearan apartamentos asequibles in Nueva York, tendrían que costar $1,300 al mes antes de los subsidios.

La propuesta de Holder también fue rechazada 7 a 2 y Markus entonces propuso las pautas de 4.5% y 7.5%. Martin Zelnik justificó su voto diciendo que quería ayudar a todos a sobrevivir la crisis económica de la ciudad y que había visto que los edificios de renta estabilizada se vendían a altos precios, pero se sintió más conmovido por los pequeños propietarios en aprietos que habían testificado en la audiencia pública de la junta dos días antes.

El incremento SRO también fue ligeramente menor que las pautas preliminares, aunque mucho más alto que las del año pasado, y el porcentaje necesario de habitaciones ocupadas para calificar por el incremento se elevó de 70% a 75%. Markus trató de mantener ese número en 70%, pero cuando Zelnik, quien había hecho la propuesta, se rehusó, el presidente prometió "regresar como Chucky," refiriéndose al muñeco homicida de las películas de horror de la década de los 80.

Markus comentó más tarde a la prensa que los incrementos de 4.5% y 7.5% eran "justos y equilibrados."

Fox News también se llama a sí misma "justa y equilibrada."

STEVEN WISHNIA

Manifestación al 11 de junio: ¿Donde esta el alcalde Bloomberg?

Editorial

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showed that Joe Bruno and the state Republican party have accepted over $2.7 million from real-estate interests in this last rent-laws cycle. That money largely goes to elect upstate and suburban legislators with no rent-regulated tenants in their districts, who are destroying the tenant protections of hard working New Yorkers. We must repeal the Urstadt Law and remove the hands of these landlord-monied politicians from our throats.

Mayor Bloomberg was utterly useless. He could have lobbied his Republican colleagues in Albany to protect the city's tenants, or urged the legislature to give the city power to set its own housing regulations. He did absolutely nothing.

2) A special legislative session must be held before the end of this year to reopen the rent-laws issue. Sheldon Silver made a crucial mistake in allowing for the state budget to be settled before settling the rent laws. We must demand that he convene a special legislative session and hold all business as usual hostage until he undoes the damage that occurred on his watch and delivers on his promise of strengthening our rent laws.

3) Tenants must vote as tenants and vote all Republicans out of office in the 2004, 2005 and 2006 elections. In 2002, many tenants voted for Governor Pataki, ignoring his abysmal record on tenant issues, and several labor unions that should have known better or cared more endorsed him. But there can be no mistaking this latest attack. The Republican party has issued an eviction notice to the 2.3 million rent-stabilized tenants of New York and to all tenants looking for affordable housing. Before the marshal comes to the door, as an act of pure self-defense, tenants must evict the Republicans in the upcoming elections.

Today we find ourselves with our backs against the wall. But out of necessity, out of survival, tenants must come together as never before. If we are to survive as tenants, we must vote as tenants and we must mobilize as tenants. And we must make it clear to those who have taken this shot at us that we will remember.

City Limits

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Lead-Paint Bill Still Stalled in Council

Landlords Give Gold, Children Breathe Lead

By Dave Palmer

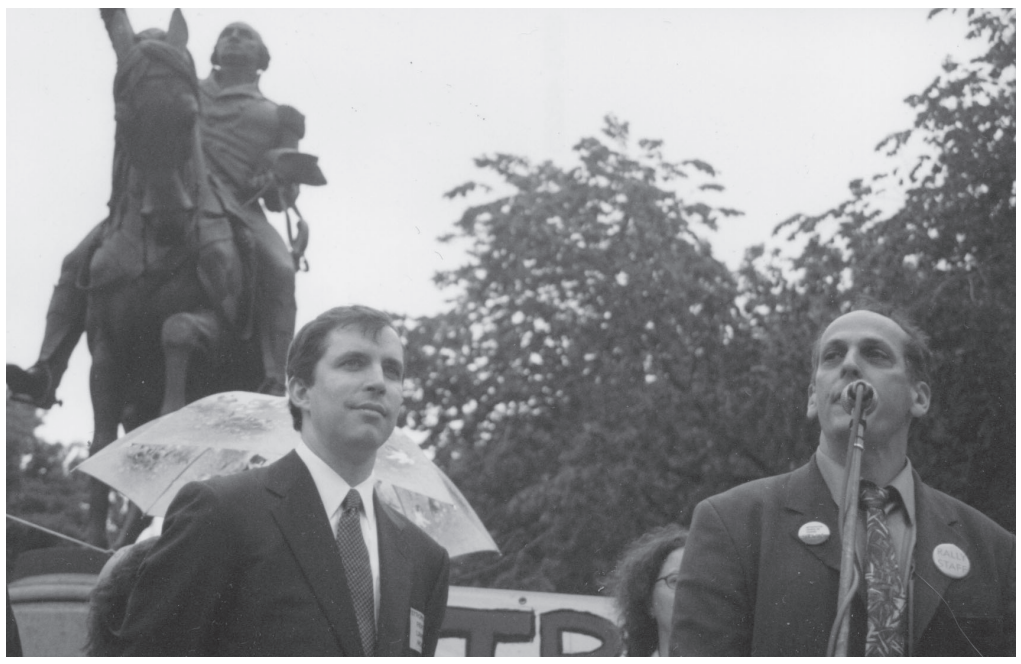
Sometimes a political battle is like a bad movie. The characters are hard to believe and the plot seems to make no sense.

Under Local Law 38, the city's 1999 law governing lead paint, thousands of New York City children continue to become lead-poisoned each year. Over 90% of those children are black, Latino, or Asian. Meanwhile, a bill that would strengthen the law and has been endorsed by the scientific and medical community and sponsored by more than two-thirds of the City Council has been allowed to languish in committee for over a year. The only opposition is the well-funded real-estate lobby—which has been successful in stalling the measure, with the aid of sizable campaign contributions and an aggressive misinformation campaign.

Sound familiar? That's because a comparable state of affairs in 1999 resulted in the passage of Local Law 38. Then, a preventative bill similar to Intro 101A, the bill that advocates are pushing for now, languished in the Council's environmental committee without ever even receiving a public hearing. Meanwhile, lead poisoning affects over 5,000 children a year. Dr. Philip Landrigan from Mt. Sinai Hospital, one of the doctors who authored a recent study in the *Environmental Health Perspectives* medical journal, estimates that the costs to New York City from childhood lead poisoning are over $1 billion a year.

The only thing worse than a bad movie is its sequel. Much like Peter Vallone, who was at the Council's helm in 1999, current Speaker Gifford Miller is an ambitious landlord-backed politician who is sending signals that he too may twist arms to curry favor with the real-estate lobby, hoping to gain their support for his potential mayoral bid.

Miller assigned 101A to the Council's Housing and Buildings Committee over the objections of Councilmember Bill Perkins—the bill's prime sponsor—and the advocates mentioned above. This was a clear signal that Miller wasn't really interested in passing a law to better protect children. The committee is chaired by Bronx machine Democrat Madeline Provenzano, who voted for Local Law 38 in 1999 and is the only Bronx Councilmember refusing to cosponsor 101A. Furthermore, as the *Daily News* recently uncovered, there is also a slumlord on the committee: Brooklyn Democrat Kendall Stewart, who was cited for over 130 housing-code violations, including lead, in one of his four-unit buildings.



STEVEN WISHNIA

Council Speaker Gifford Miller, being introduced by Met Council's Kenny Schaeffer at the June 1 Union Square rally.

The Speaker's support is crucial in determining the fate of Council legislation. A March 2003 New York Public Interest Research Group study revealed that of bills introduced that were cosponsored by a majority of Councilmembers but lacked Miller's support, just 68% have received a public hearing and only 42% have passed the Council. For bills with his sponsorship, the numbers were 100% and 80%. Bill with a *minority* of sponsors that had the Speaker's support, on average, received a public hearing sooner and passed months faster than did bills with a *majority* of sponsors that did not have the Speaker's support.

The hearing on Intro 101A that occurred June 23 didn't come easy—and took place an unusually long one year and three months after the bill's introduction. It was scheduled only after a *New York Times* story came out on a Common Cause report that detailed how real-estate campaign contributions to Councilmembers, namely Miller, might be behind the bill's slow going. Bill Perkins was perhaps the ultimate impetus behind the Speaker's willingness to finally grant a hearing. He threatened to initiate a well-supported "motion to discharge" that would have gotten Intro 101A out of committee and allowed a vote on it by the full council—a potentially embarrassing challenge to Miller's power.

The movie gets worse...

Madeline Provenzano cut the hearing short. She allowed the Bloomberg administration witnesses to testify for four hours, but only about one-third of the pro-101A public was able to testify. Medical experts who had traveled from out of state, and poor parents of lead-poisoned children who took the day off without pay, were forced to leave without having their voices heard. Even with these setbacks, the message that more needs to be done was heard loud and clear—thanks to the thoughtful and aggressive questioning by Perkins and 101A cosponsors Robert Jackson, Gale Brewer, Christine Quinn, and Margarita Lopez of Manhattan; Charles Barron, Yvette Clarke, James Davis, and Albert Vann of Brooklyn; and Melinda Katz of Queens. It was truly unconscionable for the Bloomberg administration to clearly document the problem—and at the same time argue that the current law is adequate.

There has been very little substantive debate over these issues, likely because there is actually very little to debate. Intro 101A would protect children's health more than Local Law 38 does. At the core of the debate over how to best protect children there appears to be a deeper philosophical disparity between those that want to see 101A pass, and those who think the current law is working fine. That difference is over what is deemed an "acceptable" number of children poisoned each year, and who should take responsibility for ensuring these children's safety.

There is no debate over how most children become poisoned. The primary pathway to childhood lead poisoning is lead dust. Local Law 38 does not even define lead dust as a hazard.

There is no debate over what the best methods are for making sure that a home is lead-safe during and after a lead-paint cleanup. The city Department of Housing and Preservation Development recently issued a report showing their workers using those scientifically proven, best-known methods. What their report did not highlight is that Local Law 38 allows landlords to do lead cleanups without following those guidelines. Intro 101A would require all cleanups, whether by the city or by private landlords, to be done by trained and certified workers.

There is no debate over whether or not children can become more severely poisoned the longer they are exposed to lead-paint hazards. Intro 101A would require landlords and the city to deal with lead violations more quickly than the current law does.

All sides agree that lead poisoning is one of those rare preventable diseases, and therefore we should not tolerate any more children becoming poisoned. One should be sensitive to landlords' potential costs and workload, but most landlords already do what is required under 101A—provide lead-safe homes. It is the slumlords, those who allow their properties to deteriorate to the point where lead hazards are created, that Intro 101A would better regulate. Legislating a requirement that a home not poison the children who live there should not be considered an excessive burden.

Unfortunately, Speaker Miller's actions thus far suggest that without grass-roots pressure, he is not likely to let the Council vote on the bill. The bottom line is this: A bad law passed in 1999, and kids are still being poisoned.

Please call Council Speaker Gifford Miller at (212) 788-7210 and tell him to stand up for kids and not for slumlords. Tell him to pass Intro 101A!

For more information, visit www.nyccelp.org. To get involved, call NYCCELP's headquarters at (212) 543-0260 x204.

Dave Palmer is an environmental justice advocate with NYPIRG.

Lead-Belt Study: 37% of Buildings Contaminated

Thirty-seven percent of buildings tested in the Bedford-Stuyvesant neighborhood of Brooklyn contain hazardous amounts of lead and are in violation of federal guidelines, according to the Pratt Area Community Council. PACC tested 59 apartments in 35 buildings in Bed-Stuy. Alarmingly, 89 percent of the hazardous apartments house children under six. The PACC report urges the city Department of Health to lower its poisoning threshold to match current research, and to institute preventative policies rather than acting only when complaints are made. —*M. Kenny*

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City Joins East New York Housing Melee

By Geoffrey Gray

Just when it seemed the legal fight over Noble Drew Ali Plaza couldn't get more confusing, lawyers for the city Department of Homeless Services are looking to jump in the fray.

The city is worried that a suit brought by the Legal Aid Society on behalf of tenants might result in the displacement of 180 homeless families who live in Noble Drew, an East New York housing complex that's suffered poor management and dangerous living conditions for decades.

"It's a messy situation, but our chief concern is protecting the units for DHS," said assistant corporation counsel Ray Mulligan, who was to file motion papers with Brooklyn Supreme Court Justice Gerard Rosenberg in mid-June.

Tenants allege Noble Drew's management evicted residents in order to make space for homeless families that the city pays $90 a night to house. Legal Aid's suit seeks to block the city from placing homeless families in the complex in the first place, arguing that the units are rent-stabilized and thus reserved for affordable housing. In March, Justice Rosenberg issued a preliminary injunction preventing additional homeless families from moving in until the suit's resolved.

Reading the near 20-page injunction, Mulligan said Rosenberg misinterpreted the rent-stabilization laws. The city's motion will argue that the law clearly states that non-profit operators—such as Women in Need, the outfit that services the homeless at Noble Drew—are exempt from the constraints of the rent-stabilization code.

"It's an inconsistent position," Mulligan said of Legal Aid's efforts in the Noble Drew case. "On the one hand, Legal Aid has for years compelled the city to make more space for homeless families; now, they choose to argue that rent stabilization precludes those goals."

In prior court appearances, Legal Aid lawyer Mimi Rosenberg has argued that homeless families should be given permanent leases at Noble Drew—a cheaper alternative to the near $3,000 a month the city pays to house the homeless there.

Last year, Brooklyn real-estate speculator Zvi Kaufman inked a $7.5 million partnership deal to purchase the property from owner Abdul Rahman Farrakhan, a community leader and failed candidate for the state Assembly who had assumed control of the property for $10 in 1996 from the Department of Housing and Urban Development. In the past several weeks, Farrakhan has broken his contract with Kaufman and resumed control of the building, a move most tenants abhor. Shootings, poor security, and dwindling services are all more common now without Kaufman in charge, many tenants say.

Meanwhile, an increasing number of lawyers continue to wrangle in court. Seated next to nine other attorneys in a hearing on June 12, Kaufman's attorney Ken Fisher said, "This is the biggest bowl of spaghetti I've ever seen."

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New Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311. This number replaces (212) 824-4328.

Also call 311 to reach the Department of Buildings and other city agencies.

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www.metcouncil.net

NYC Rent Guidelines Board Adjustments (Order No. 34)

for Rent Stabilized Leases commencing Oct. 1, 2002 through Sept. 30, 2003, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2002. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2002. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

Lease Type	Current Legal Rent		One-year Lease	Two-year Lease
Renewal Leases	All		2%	4%
Vacancy leases	More than $500	Vacancy allowance charged within last 8 years	18%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than $300	Vacancy allowance charged within last 8 years	18% plus $100	20% plus $100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allow–ance, plus 18% plus $100	0.6% times number of years since last vacancy allow–ance, plus 20% plus $100
	Rent $300 to $500	Vacancy allowance charged within last 8 years	18% *or* $100, whichever is greater	20% *or* $100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%, *or* $100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, *or* $100, whichever is greater

Sublease Allowance

Landlords can charge a 10 percent increase during the term of a sublease that commences during this guideline period.

Vacancy Leases

In June 1997, Governor George Pataki, as a part of his efforts to destroy rent regulation, forced changes that gave landlords large vacancy bonuses. Provisions of his Rent Regulation Reform Act of 1997 allow the rents of apartments to rise by a statutory percentage: 20 percent for a 2-year lease, and 20 percent minus the difference between the 1- and 2-year renewal guidelines for 1-year leases. The new law also allows additional vacancy increases for apartments which have had no vacancy allowance in eight or more years.

Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses, and the tenant's unfamiliarity with the apartment's rent history, to charge an illegal rent. The tenant can choose between filing an overcharge complaint with the Division of Housing and Community Renewal or challenging the rent in Housing Court to get a determination of the legal rent.

A prospective tenant who expresses knowledge of their rights will probably not be given a lease to sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge possible overcharge. With DHCR, obtain and fill out *Form RA-89* to determine the correct rent from official records. Call DHCR at (718) 739-6400 to obtain the form or go to: www.dhcr.state.ny.us

Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board annually sets what they call the "Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 34, it is HUD Fair Market Rent or 50% above the maximum base rent. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is $20,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 1 percent for a one-year lease and 2 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

There will be no rent increases this year for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms). No vacancy allowance is permitted.

High-rent, High-income Deregulation

(1) Apartments legally renting for $2,000 or more a month that became vacant from July 7, 1993 through October 1, 1993, or on April 1, 1994 and thereafter are subject to deregulation. (2) The same deregulation applies in the time periods set forth in (1) above to apartments legally renting for $2,000 or more a month without their becoming vacant if the total household income exceeds $175,000 in each of the prior two consecutive years. To be eligible for this second form of deregulation, the landlord must send an income certification form to the tenant between January 1 and May 1 and file it with and get the approval of DHCR.

For previous guidelines call the RGB at 212-385-2934 or go to www.housingnyc.com.

Pataki

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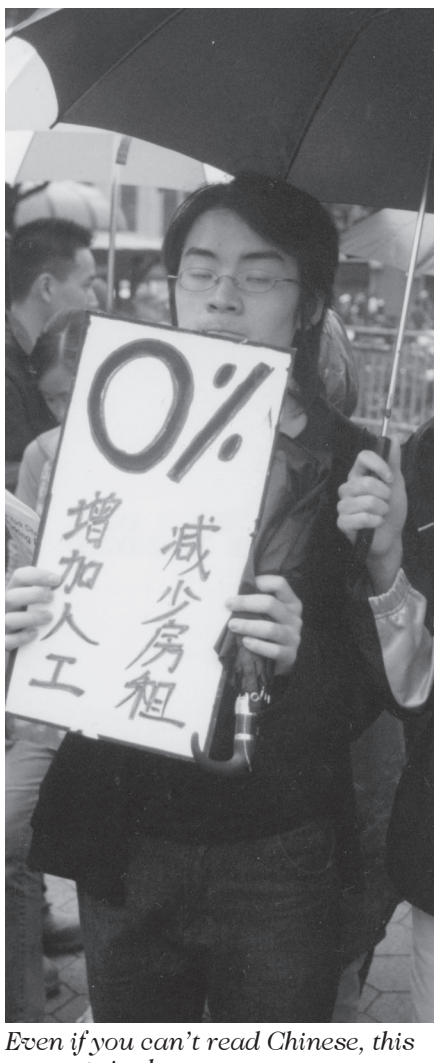
Bruno announced at one point that he supported renewing the laws, but with a lower vacancy-decontrol limit, somewhere around $1,500.

Silver stuck to the position the Assembly had taken in February when it passed its renewal bill: repeal vacancy decontrol completely, lower the vacancy allowance (the rent increase landlords are permitted between tenants) from 20% to 10%; tighten eviction protections; and extend coverage to the Mitchell-Lama and Section 8 units that were leaving subsidy programs but would not otherwise be protected by rent stabilization.

June 15 came and went without any announced agreement, as the legislature passed what would be the first of four 24-hour extensions of the laws. Rumors held steady that Bruno might be willing to settle for a straight extender with the only debatable issue being the term—how many years the law would be extended for. Pro-tenant Democrats supported the shortest term possible, so the vacancy-decontrol provisions might be lifted at the next renewal date. Bruno's fellow Republican Senators from downstate kept assuring their constituents not to worry, that if any changes were made, they would be minor.

Word went out that the three had reached an agreement late in the evening of Tuesday, June 17, for a straight four-year extender. While many tenants were unhappy that the bill contained no measures to remove the vacancy-decontrol provisions, they got very nervous when no deal was announced publicly on Wednesday or Thursday.



Even if you can't read Chinese, this message is clear.

The beginning of the end came on Friday, June 20, at 3 a.m., when the bill came out on the Senate floor for a quick debate and passage. After completing a few more pieces of business, Bruno declared that the Senate had completed its work for the session, and allowed his members to go home. The vote was pretty much along party lines, with a couple of exceptions: Republicans Guy Velella (Bronx and Westchester) and Martin Golden (Bay Ridge) voted against the measure to escape criticism from their tenant constituents, and Frank Padavan (Queens), considered by many to be genuinely pro-tenant, also voted no. Olga Mendez (East Harlem), Serphin Maltese (Queens), and John Marchi (Staten Island) all voted for the measure.

PHOTOS BY STEVEN WISHNIA

Tenants protest outside City Hall June 11.

Once that bill was sent to the Assembly, Sheldon Silver reportedly left it up to his members to decide whether or not to pass it. Apparently terrified that the Republican Senate would offer nothing else and the laws would be allowed to expire permanently, the Assembly passed the bill. The only Democrats to break ranks with Silver and vote against the bill were Scott Stringer (who also voted against the renewal bill in 1997) and Danny O'Donnell from Manhattan, and Mark Weprin of Queens.

"It was a terrible bill and we should never have been put in the position that we had to deal with the issue the day after the session ended," O'Donnell told *Tenant*. "This issue should have been dealt with at the beginning of the session."

The bill, having passed both houses, went quickly to the governor, who signed it with praise: The renewal would continue the great reforms started in 1997 and would further New York City housing along in an "orderly transition" to the free market.

What is the meaning of the four components?

For many observers, the law's eight-year term is the killer. In eight years, hundreds of thousands of units will be deregulated, so that at the next renewal date in 2011, there will be far fewer rent-stabilized tenants to lobby for their renewal.

The law also tightens the Urstadt Law, which means that pending bills in the City Council to reform the Rent Guidelines Board (an attempt to get fairer rent increases for rent-stabilized tenants) and to change the rent-increase formula for rent-controlled tenants (to give them relief from the 7.5% increases and fuel passalongs each year) will be barred. Another change clarifies that a landlord can charge less than $2,000 on an apartment that was decontrolled and registered at $2,000, without the apartment going back into rent stabilization.

What next?

Who is to blame? All the media coverage, and the elected officials who would talk about the events, pointed to the blatant bluffing and maneuvering of Pataki and Bruno. O'Donnell suggests tenants blame the Republicans who represent New York City: "Ask Olga Mendez why she voted for this bill. How can those Republicans who voted for the bill be allowed to represent the people of New York?"

According to State Senator Liz Krueger (D-Manhattan), it was clear that Pataki and Bruno had mended fences by the end of the session. (They had earlier fought over the state budget, when Bruno and Silver joined forces to pass their own budget over Pataki's veto.) Should Silver have foreseen this ploy and been more prepared? "I'm convinced no one knew this was in the works. It has taught everyone a lesson: If you actually believe anything that Pataki and Bruno promise before the ink is dry on the deal, you don't understand Albany."

Krueger said that there were many people and groups who thought they had good promises from Bruno and Pataki on other issues as well: lobbying reform, reporting of sexual abuse by clergy, and Timothy's Law (money for mental-health services). "Clearly the plan all along was to offer promises and then pull a bait and switch."

Tenant advocates, including those of us at Met Council who were involved in trying to get vacancy decontrol repealed, recognize that Silver gave away his bargaining power early in the session. By June 20, he had allowed himself to be boxed in. Could tenants have put enough pressure on him earlier in the year, before the budget agreement was made, to get the deal done for tenants? Clearly, that is a question we have to answer. As one columnist reminded readers, a recent Common Cause report shows that landlords gave Pataki and Bruno $2.7 million to continue the unraveling of the rent laws.

What next?

Liz Krueger was the most blunt on what tenants should do next: Go for home rule, because "there is no possibility for reforming the rent laws in Albany." She explained that she felt that lobbying the state legislature to improve the rent laws would be hopeless for the future. "Albany should not be determining tenant protections or affordable housing issues for New York City," she reiterates. "New York City elected officials, who are accountable to tenants, should be responsible for decisions on how New York City residents are housed."

Author Louise Meriwether: "Can you believe we have 15, 000 homeless children in New York City?"

Mayor Mike Bloomberg also deserves blame for his lack of involvement. While previous mayors David Dinkins and even the generally anti-tenant Rudolph Giuliani had traveled to Albany to urge the renewal of the rent laws, Bloomberg never went to talk to his fellow Republicans about preserving affordable housing in New York City. The mayor's involvement was limited to short-tempered comments made under pressure from reporters demanding a response from him on his stand on the rent-law renewal.

RGB

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don't represent the city. When was the last time we had a real public member?"

The tenant representatives initially proposed limiting increases to 1 and 2 percent, with Pagan calling rising rents "terrorism" that drives people out of their homes—the landlords in the audience groaned—and "a regressive form of taxation." It was rejected 7-2, without further debate.

Harold Lubell's argument for higher rents was simple and blunt: Owning housing is not "a charitable event." If the tenant is poor or unemployed, it's "sad," but is the landlord supposed to be "the tooth fairy" and subsidize them? If owners don't get more money, he argued, buildings will be abandoned and the whole sector will "go down the tubes."

Tenants can afford rent increases, he continued. They are only paying a median of 28 percent of their income in rent, and if 9 percent are unemployed, that still means that over 90 percent are working. He got the angriest response when he declared that "Many tenants are wealthier than the landlords who are here." He was also booed when he said that no other industry is forced to reduce prices because some people can't pay—and cited prescription drugs as an example.

Steven Schleider, the board's Bloomberg-appointed owner representative, then announced that "high double-digit increases are necessary," but he was willing to settle for 9 and 12 percent. That proposal was also defeated 7-2.

Adriene Holder then suggested increases of 2 and 3 percent, saying that landlords are still making profits despite rising tax and fuel costs. What they really want, she contended, was to push apartments closer to the $2,000 vacancy-decontrol threshold. Decontrol in Boston (which had rent protections eliminated in 1998) has been a failure for everyone except landlords, she added, with middle and working-class people pushed out, record homelessness, and only luxury housing built.

"It's not a sin to make a profit," Lubell responded. Schleider added that if developers were to build affordable apartments in New York, they would have to cost $1,300 a month before subsidies.

Holder's proposal was also rejected—7-2—and Markus then moved the 4.5 and 7.5 percent guidelines. Martin Zelnik justified his vote by saying he wanted to help everyone survive the city's economic crisis, and he'd seen rent-stabilized buildings selling for high prices, but his heart went out most to the beleaguered small owners who'd testified at the board's public hearing two days before.

The SRO increase was also slightly lower than the preliminary guidelines, though much higher than last year's, and the percentage of occupied rooms needed to qualify for the increase was raised from 70 to 75 percent. Markus tried to keep that number at 70, but when Zelnik, who'd made the proposal, demurred, the chair vowed to "come back like Chucky"—referring to the homicidal doll of '80s horror movies.

Markus told the press afterwards that the 4.5 and 7.5 percent increases were "fair and balanced."

Fox News also calls itself "fair and balanced."

Housing Costs More Than Half Pay for 14 Million

More than 14 million households nationwide spend more than half of their income on housing costs, according to the Joint Center of Housing Studies' annual "State of the Nation's Housing" report. The report is largely positive about the housing sector, citing it as one of the national economy's few bright spots. But meanwhile, it warns, low- and moderate-income households are finding it increasingly difficult to afford a place to live. Between 1997 and 2001, the number of those households spending more than half their income on housing ballooned by over 700,000. In addition, only 34 percent of renters in the bottom fifth of the national income distribution were getting housing assistance in 2002.

—Kai Wright

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Our phones are ringing off the hook! Met Council is looking for people to counsel tenants on our hotline. We will train you! The hotline runs on Mondays and Wednesdays from 1:30-5 PM. If you can give one afternoon a week for this crucial service to the tenant community, call Dave at (212) 979-6238 x6.

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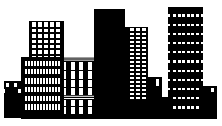
GOLES (Good Old Lower East Side)
525 E. 6th St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.



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VILLAGE INDEPENDENT DEMOCRATS
26 Perry St. (basement), 212-741-2994
Wednesdays ..... 6 pm

WEST SIDE TENANTS UNION
200 W. 72nd St. Room 63; 212-595-1274
Tuesday & Thursday ..... 2-5 pm
Tuesday & Wednesday 6-7:45 pm

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Met Council is a citywide tenant union.

Our phones are open to the public Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

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Membership: Individual, $25 per year; Low-income, $15 per year; family (voluntary: 2 sharing an apartment), $30 per year. Supporting, $40 per year. Sustaining, min. of $100 per year (indicate amount of pledge). For affiliation of community or tenant organizations, large buildings, trade unions, etc. call 212-979-6238.

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